

Gen (1951) Department.

No SERIES.

G.O. No. 4763

Dated 26-10-1951.

[Despatch Abstract.]

Acts and Rules The Madras Industrial
Disputes Rules, 1948 - Draft amendments
Published.

GOVERNMENT OF MADRAS
ABSTRACT.

**

ACTS AND RULES - The Madras Industrial Dispute Rules, 1948 - Draft amendments - Published.

DEVELOPMENT DEPARTMENT.

G.O.MS.NO.4763

Dated: 26th October 1951.

Read the following:-

G.O.Ms.No.521 Development, dated 4th February 1948.

G.O.Ms.No.821 Development, dated 19th February 1949.

From the Commissioner of Labour letters Nos.B.4.71332/50 dated 6th January 1951, A.1. 48875/50 dated 1st February and 24th April 1951.

ORDER:

The Superintendent, Government Press, is requested to publish the appended notification in English and in the languages of the State in the Fort St. George Gazette.

The Senior Translator to Government is requested to supply the Superintendent Government Press with the requisite translations of the notification.

/By Order etc./

J.M.Lobo Prabhu,
Secretary to Government.

To

The Superintendent, Government Press for publication of the notification.

The Senior Translator to Government.

The Commissioner of Labour.

The Commissioner of Police.

The Industrial Tribunal, Madras.

The -do- Coimbatore

The -do- Madurai

The -do- Vijayawada at Guntur.

The Local Department.

The All Collectors.

The Government of India (Ministry of Labour).

The Accountant General, Madras.

The Finance Department.

NOTIFICATION.

The following draft of certain amendments to the Madras Industrial Disputes Rules, 1948 which it is proposed to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) is hereby published as required by sub-section (1) of that section for general information.

Notice is hereby given that the draft will be taken into consideration on or after the 13th January 1952 and that any objection or suggestion which may be received from any person with respect thereto before the date aforesaid will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to the Government of Madras in the Development Department, through the Commissioner of Labour, Madras.

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AMENDMENTS.

In the said rules -

(i) for sub-rule (3) of rule, 4, the following sub-rule shall be substituted, namely:—

"(3) The representatives of the workmen shall be selected by the workmen engaged in the establishment. A

Provided that the employer may, if he thinks fit, divide the workmen entitled to vote into different ~~ee~~ electoral constituencies so as to afford representation to the various categories, groups and classes of workmen and to the sections, shops and departments of the establishment and direct that the workmen shall vote in the constituencies in which their names are included".

(ii) for rule 5, the following rule shall be substituted namely:—

"5. The employer shall consult the registered trade union or unions, if any, in which the workmen of his establishment are members in regard to the matters mentioned in sub-rules (1) and (3) of Rule 4".

(iii) After rule 16 the following Rule shall be added, namely:—

"16.A. Complaints to the Tribunals under section 33A. of the Act.

(1) An application under section 33A shall be in triplicate and filed before the Industrial Tribunal before whom the proceedings are pending either personally or ~~ea~~ sent by Registered post. The application shall contain the following particulars:—

- (a) the name and address of the applicant;
- (b) the name and address of the employer;
- (c) the case number and date of commencement of proceedings before the Industrial Tribunal;
- (d) the nature and details of contravention by the employer of the provisions of section 33 with dates from which the conditions of service have been altered or the dates of discharge or punishment of the applicant or applicants;
- (e) the nature of the relief claimed.

(2) The application and the statement accompanying shall be signed by the applicant. There shall be a separate application for each such employee or workmen.

(3) Each application should bear a Court fee stamp to the value of Re.1/—.

(iv) (a) Sub-rule (7) of rule 21 shall be omitted and (b) for sub-rule 9 of rule 21, the following shall be substituted namely:—

(9) "In addition to the powers conferred by section II (3), the provisions of Order IX of the Code of Civil Procedure, 1908, in so far as they relate to the appearance of plaintiffs and defendants in suits, shall apply to the appearance of petitioners and respondents in proceedings in Court, Board or Tribunal".

(v) For rule, 23, the following shall be substituted namely:—

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23. APPEARANCE BY LEGAL PRACTITIONERS - (1) A party to a dispute before a Tribunal may, with the consent of the other parties to the proceeding and with the leave of the Tribunal, be represented by a legal practitioner, subject to such conditions or restrictions as the Tribunal may impose. The legal Practitioner shall file a memorandum of appearance.

(2) Every Party appearing by a representative shall be bound by the acts of such representative"

(vi) After rule 23, the following rule shall be added, namely:-

"23.A.

AUTHORISATION: The authorisation to act on behalf of a worker or workers under section 36(I)(e) shall be given by a certificate in Form "H" and that on behalf of an employer under section 36 (2) (e) shall be given by a certificate in Form "I" and shall be presented to the Conciliation Officer or the Industrial Tribunal, as the case may be, who is conducting the proceedings in the dispute and shall form part of the record.

(vii) After form G, the following shall be added
namely:---

FORM "H"

Certificate of authorization under Section 36(1)(c)
of the Industrial Disputes Act, 1947.

I
We Worker(s) employed in

hereby authorise Sri

an Officer (designation) of the registered

Trade Union known as

Which is connected with

(Name of industry to be given)

having its head office at

I
We hereby authorise Sri
a worker employed as (designation)
in the premises (name of
establishment with address) to act on my behalf under section
36(I)(c) of the Industrial Disputes Act 1947 in respect of the dis-
pute ~~m~~- with my employer (Name of the employer to be given).
our

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Witness. I.	Signature I.
2	2
3	3
4	4
†	†
*	*
*	*

I accept the authorization.

Signature.

Workman.

Official of a registered
Trade Union.

FORM I.

Certificate of authorisation under Section 36 (2) (c)
of the Industrial Disputes Act 1947.

I, the employer Sri (Name and address to
be given) hereby authorise Sri (Name
of person to be given) an Officer (Designations)
of the Association of Employers connected with
(Name of the industry to be given) and known as
(Name of the Association to be given) having its office at
.

I hereby authorise Sri
(Name of person to be given) carrying on business in the establish-
ment as
(Name and address to be given) Connected with
the industry (name of the
industry to be given) to act on my behalf under Section 36(2)(c)
of the Industrial Disputes Act, 1947 in respect of the Dispute

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Act, 1947-in between (Name of the parties to the dispute to be mentioned).

Witness.		Signature I.
1		
2		2
3		3
4		4
*		*
*		*
*		*

I accept the authorization.

Signature.

Employer, Official of an Association.

/True copy/

K. Manojaram
24.9.56
SUPERINTENDENT.
MADRAS RECORD OFFICE.

SS/24.9.

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24.9.56